REMARKS

Claims 3 and 5 are now pending in the application. Claims 1, 4 and 5 are cancelled herein and new Claim 6 is added herein. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102; YANG ET AL.

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yang et al. (WO 02137500 A1). This rejection is respectfully traversed.

The organic bistable memory device according to the present invention has a single-layer structure of an organic thin film and a limiter (page 2, lines 11 to 16). That is, the device according to the present invention is characterized by a combination of the organic bistable element having a single-layer structure and a limiter as recited in Claim 3. A switching voltage of the device is typically low in the element using the organic compound recited in Claim 3. Therefore, the device using such organic compound can be likely to malfunctions especially since such a single-layer structure can malfunction more readily than a three-layer structure. In the present invention, a combination of the organic bistable element having a single-layer structure and the limiter can realize a memory device which can be less likely to cause malfunction. The term "single-layer structure" means that an element comprises an organic thin film formed of the organic compound as recited in Claim 3.

On the other hand, Yang (WO 02137500 A1) discloses a bistable electrical device comprising a bistable body and binary electrodes. This bistable body includes a

low conductivity material and an amount of high conductivity material (paragraph [0033]).

Further, Yang discloses 2-amino-4,5-dicyanoimidazole (AIDCN) as the low conductivity material ([0037]). That is, Yang discloses a composite layer structure (Figs. 1 and 3) or a multiple layer structure (Figs. 2 and 4), not a single-layer structure. Further, Yang fails to disclose a combination of the organic bistable element having a single-layer structure and the limiter. Accordingly, Applicants respectfully assert that independent Claim 3 is not disclosed or suggested by Yang. Since new Claim 6 depends from Claim 3, Applicants respectfully assert that it is likewise patentable for at least the reasons discussed above.

DOUBLE PATENTING REJECTION

Claims 1-5 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 6-8, and 15-18 of copending Application No. 10/803,456. This rejection is respectfully traversed.

Claims 6-8 and 15-18 of 10/803,456 do not recite a combination of the organic bistable element having a single-layer structure as recited in Claim 3 herein as currently amended. As noted in the Office Action, the claims of 10/803,456 require multiple organic thin films which are different from each other in electrical conductivities (that is, not a single-layer structure). Thus, the foundation for this rejection (i.e., that the instant claims represent a genus of which the 10/803,456 are a species) is not accurate. Accordingly, Applicants respectfully assert that this

provisional double patenting rejection has been rendered moot and should be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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